

United States District Court  
Central District of California

SEOUL VIOSYS CO. LTD.,

Plaintiff,

v.

FEIT ELECTRIC CO., INC.,

Defendant.

Case № 2:24-cv-04238-ODW (AJRx)

**ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANT’S  
MOTION TO DISMISS [27]**

**I. INTRODUCTION**

Before the Court is Defendant Feit Electric Co., Inc.’s Motion to Dismiss Plaintiff Seoul Viosys Co. Ltd.’s willful patent infringement claims for failure to state a claim under Federal Rule of Civil Procedure (“Rule”) 12(b)(6). (Mot. Dismiss (“Motion” or “Mot.”), ECF No. 27.) The motion is fully briefed. (Opp’n, ECF No. 40; Reply, ECF No. 41.) For the reasons below, the Court **GRANTS IN PART** and **DENIES IN PART** the Motion.<sup>1</sup>

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<sup>1</sup> Having carefully considered the papers filed in connection with the Motion, the Court deemed the matter appropriate for decision without oral argument. Fed. R. Civ. P. 78; C.D. Cal. L.R. 7-15.

## II. BACKGROUND<sup>2</sup>

Seoul Viosys Co. Ltd. (“Seoul Viosys”) designs, manufactures, and sells light emitting diodes (“LEDs”). (Compl. ¶¶ 1–2, ECF No. 1.) Seoul Viosys owns the right, title, and interest in United States Patent Nos. 11,879,602 (the “’602 Patent”), 9,837,387 (the “’387 Patent”), 10,163,975 (the “’975 Patent”), 9,269,871 (the “’871 Patent”), 9,929,314 (the “’314 Patent”), and 7,982,207 (the “’207 Patent”) (collectively, the “Asserted Patents”). (*Id.* ¶¶ 6–11.) Feit Electric Co. Inc. (“Feit”) sold EcoSmart white filament products that infringed on the Asserted Patents. (*Id.* ¶¶ 12–16.) Between July 2023 and May 2024, Seoul Viosys sent five warning letters to Feit regarding the infringement. (*Id.*)

On July 21, 2023, Seoul Viosys sent its first warning letter (“July Letter”) to Home Depot. (*Id.* ¶ 12.) Seoul Viosys believed “that Home Depot may have shared this warning letter with [it’s supplier,] Feit, thereby putting Feit on notice” of the infringement. (*Id.*) On November 8, 2023, Seoul Viosys sent a warning letter (“November Letter”) directly to Feit’s counsel, listing the infringing product and patents numbers, and asking “Feit to confirm that it would stop selling products that infringe Seoul [Viosys’s] patents.” (*Id.* ¶ 13.) Thereafter, on January 23, 2024 (“January Letter”), and February 20, 2024 (“February Letter”), Seoul Viosys sent follow-up letters to Feit. (*Id.* ¶¶ 14–15.) On May 13, 2024, Seoul Viosys sent its final letter (“May Letter”) adding new infringement claims concerning the ’604 Patent and ’871 Patent. (*Id.* ¶ 16.) Seoul Viosys “never received any response to this” or the other four letters. (*Id.*)

On May 21, 2024, Seoul Viosys initiated the instant patent infringement action against Feit. (*See id.*) Seoul Viosys asserts six claims for patent infringement and seeks treble damages for willful infringement under 35 U.S.C. § 284. (*Id.* ¶¶ 17–71,

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<sup>2</sup> All factual references derive from the Complaint and well-pleaded factual allegations are accepted as true for purposes of this Motion. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

1 Prayer for Relief D.) Feit moves to dismiss Seoul Viosys’s willful infringement  
2 claims. (Mot.)

### 3 III. LEGAL STANDARD

4 A court may dismiss a complaint under Rule 12(b)(6) for lack of a cognizable  
5 legal theory or insufficient facts pleaded to support an otherwise cognizable legal  
6 theory. *Balistreri v. Pacifica Police Dep’t*, 901 F.2d 696, 699 (9th Cir. 1988). To  
7 survive a dismissal motion, a complaint need only satisfy the minimal notice pleading  
8 requirements of Rule 8(a)(2)—a short and plain statement of the claim. *Porter v.*  
9 *Jones*, 319 F.3d 483, 494 (9th Cir. 2003). The factual “allegations must be enough to  
10 raise a right to relief above the speculative level.” *Bell Atl. Corp. v. Twombly*,  
11 550 U.S. 544, 555 (2007). That is, the complaint must “contain sufficient factual  
12 matter, accepted as true, to state a claim to relief that is plausible on its face.” *Iqbal*,  
13 556 U.S. at 678 (internal quotation marks omitted).

14 The determination of whether a complaint satisfies the plausibility standard is a  
15 “context-specific task that requires the reviewing court to draw on its judicial  
16 experience and common sense.” *Id.* at 679. A court is generally limited to the  
17 pleadings and must construe all “factual allegations set forth in the complaint . . . as  
18 true and . . . in the light most favorable” to the plaintiff. *Lee v. City of Los Angeles*,  
19 250 F.3d 668, 679 (9th Cir. 2001). However, a court need not blindly accept  
20 conclusory allegations, unwarranted deductions of fact, and unreasonable inferences.  
21 *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001).

22 Where a district court grants a motion to dismiss, it should generally provide  
23 leave to amend unless it is clear the complaint could not be saved by any amendment.  
24 *See* Fed. R. Civ. P. 15(a); *Manzarek v. St. Paul Fire & Marine Ins. Co.*, 519 F.3d  
25 1025, 1031 (9th Cir. 2008). Leave to amend may be denied when “the court  
26 determines that the allegation of other facts consistent with the challenged pleading  
27 could not possibly cure the deficiency.” *Schreiber Distrib. Co. v. Serv-Well Furniture*  
28 *Co.*, 806 F.2d 1393, 1401 (9th Cir. 1986). Thus, leave to amend “is properly

1 denied . . . if amendment would be futile.” *Carrico v. City & County of San*  
2 *Francisco*, 656 F.3d 1002, 1008 (9th Cir. 2011).

#### 3 IV. DISCUSSION

4 Under 35 U.S.C. § 284, a court may, upon finding patent infringement,  
5 “increase the damages up to three times the amount found or assessed.” Such  
6 punishment is generally “reserved for egregious cases typified by willful misconduct.”  
7 *Halo Elecs., Inc. v. Pulse Elecs. Inc.*, 579 U.S. 93, 106 (2016). “To prove a willful  
8 infringement claim, a jury must find that the defendant had pre-suit knowledge of the  
9 patent-in-suit and that the defendant infringed deliberately or intentionally.” *BSD*  
10 *Crown, Ltd. v. Amazon.com, Inc.*, 684 F. Supp. 3d 993, 998 (N.D. Cal. 2023).

11 While the pleading standard for willful infringement is not well defined,  
12 “[k]nowledge of the patent alleged to be willfully infringed continues to be a  
13 prerequisite to enhanced damages.” *WBIP, LLC v. Kohler Co.*, 829 F.3d 1317, 1341  
14 (Fed. Cir. 2016). To plead a claim for willful infringement, a plaintiff must plead facts  
15 showing that a defendant (1) “knew of the asserted patent” and (2) “knew or should  
16 have known of its infringement of that patent.” *Entropic Commc’ns, LLC v. Comcast*  
17 *Corp.*, 702 F. Supp. 3d 954, 965 (C.D. Cal. 2023). Allegations must “raise a plausible  
18 inference that the defendant had the specific intent to infringe.” *Sonos, Inc. v. Google*  
19 *LLC*, 591 F. Supp. 3d 638, 644 (N.D. Cal. 2022); *see also Halo Elecs.*, 579 U.S. at 105  
20 (“The subjective willfulness of a patent infringer, intentional or knowing, may warrant  
21 enhanced damages.”). Subjective willfulness is shown “by proof that the defendant  
22 acted despite a risk of infringement that was either known or so obvious that it should  
23 have been known to the accused infringer.” *RJ Tech., LLC v. Apple, Inc.*, No. 8:22-cv-  
24 01874-JVS (JDEx), 2023 WL 3432237, at \*8 (C.D. Cal. Mar. 23, 2023) (quoting  
25 *Arctic Cat Inc. v. Bombardier Recreational Prod. Inc.*, 876 F.3d 1350, 1371 (Fed.  
26 Cir. 2017)).

27 What remains unclear, however, is whether a plaintiff must plead egregious  
28 conduct. The Supreme Court described the types of conduct warranting enhanced

1 damages to be “willful, wanton, malicious, bad-faith, deliberate, consciously  
2 wrongful, flagrant, or—indeed—characteristic of a pirate.” *Halo Elecs.*, 579 U.S.  
3 at 103–04. Some district courts, post-*Halo*, require a plaintiff to plead facts showing  
4 egregious conduct to survive a motion to dismiss a willful infringement claim. *See*  
5 *e.g. Document Sec. Sys. Inc. v. Nichia Corp.*, No. 2:19-cv-08172-JVS (JEMx),  
6 2020 WL 3881623, at \*4 (C.D. Cal. Mar. 4, 2020) (collecting case). However, the  
7 Federal Circuit clarified that the language in *Halo* refers to “‘conduct warranting  
8 enhanced damages,’ not conduct warranting a finding of willfulness,” and is not  
9 “inten[ded] to create a heightened requirement for willful infringement.” *SRI Int’l,*  
10 *Inc. v. Cisco Sys., Inc.*, 14 F.4th 1323, 1330 (Fed. Cir. 2021). Whether a patent  
11 infringer’s conduct is sufficiently egregious to warrant enhanced damages is a  
12 question for the court to address *after* the jury makes an affirmative finding of  
13 willfulness. *Eko Brands, LLC v. Adrian Rivera Maynez Enters., Inc.*, 946 F.3d 1367,  
14 1378 (Fed. Cir. 2020). It stands to reason that “once willfulness is adequately pled,  
15 the complaint need *not* go further and specify the further aggravating circumstances  
16 warranting enhanced damages.” *Sonos*, 591 F. Supp. 3d at 644 (emphasis in original);  
17 *see also Microsoft Corp. v. MediaPointe, Inc.*, No. 2:22-cv-01009-MCS (MRWx),  
18 2022 WL 19263332, at \*2 (C.D. Cal. Dec. 15, 2022) (“The standard for  
19 willfulness . . . does not require allegations of ‘wanton, malicious, and bad-faith’  
20 behavior.”); *Eko Brands*, 946 F.3d at 1378 (“Under *Halo*, the concept of ‘willfulness’  
21 requires a jury to find no more than deliberate or intentional infringement.”); *Bayer*  
22 *Healthcare LLC v. Baxalta Inc.*, 989 F.3d 964, 987 (Fed. Cir. 2021) (“To establish  
23 willfulness, the patentee must show the accused infringer had a specific intent to  
24 infringe at the time of the challenged conduct.”).<sup>3</sup>

25 Feit argues that Seoul Viosys’s allegations of the warning letters fail to show  
26 Feit had pre-suit knowledge of its infringement. (Mot. 7–8.) “When a patentee relies

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27 <sup>3</sup> As the standard for willfulness requires only that the infringer acted with specific intent and does  
28 not require facts showing egregious behavior, the Court declines to address Feit’s argument that  
Seoul Viosys fails to allege egregiousness. (Mot. 5–7.)

1 on a letter to support a willful infringement claim, the letter must communicate a  
2 charge of infringement of *specific* patents by a *specific* product or group of products.”  
3 *Entropic Commc’ns*, 702 F. Supp. 3d at 965 (quoting *Funai Elec. Co. v. Daewoo*  
4 *Elecs. Corp.*, 616 F.3d 1357, 1373 (Fed. Cir. 2010)) (cleaned up) (emphasis added).

5 The Court finds allegations of Feit’s pre-suit knowledge based on the July  
6 Letter, January Letter, and February Letter to be without merit. First, Seoul Viosys  
7 sent the July Letter to Home Depot, not Feit. (Compl. ¶ 12.) Seoul Viosys alleges  
8 only that “Home Depot *may have* shared this warning letter with Feit.” (*Id.* (emphasis  
9 added).) Without any allegations that Feit received this letter, the July Letter cannot  
10 plausibly impute knowledge to Feit. Second, Seoul Viosys fails to allege that the  
11 January Letter identified any Asserted Patents. (*See id.* ¶ 14–15.) Similarly, the  
12 February Letter does not list any specific infringing products—Seoul Viosys alleges  
13 only that it “referenced” prior letters and included “a claim chart illustrating examples  
14 of infringement by Feit of Seoul [Viosys’s] ’314 Patent.” (*Id.* ¶ 15.) It is unclear  
15 whether the claim chart identified any specific accused product. The January Letter  
16 and February Letter cannot plausibly put Feit on notice of any patent infringement if  
17 the letters do not identify the infringed-upon patent and the accused product. *See*  
18 *Entropic Commc’ns*, 702 F. Supp. 3d at 965; *Parity Networks, LLC v. Moxa Inc.*,  
19 No. 8:20-cv-00698-JVS (KESx), 2020 WL 6064636, at \*4–5 (C.D. Cal. Sept. 11,  
20 2020) (finding letters that “did not explicitly mention the Asserted Patents” failed to  
21 demonstrate pre-suit knowledge for both induced infringement and willful  
22 infringement claims).

23 Conversely, Seoul Viosys adequately pleads Feit’s pre-suit knowledge and  
24 intent to infringe the ’387 Patent, ’975 Patent, and ’207 Patent. The November Letter  
25 explained “EcoSmart A19605CCTCA/WFIL/ECP was infringing Seoul Viosys’s  
26 patents . . . , including the ’387 Patent, the ’975 Patent, and the ’207 Patent.” (Compl.  
27 ¶ 13.) Seoul Viosys alleges that Feit continued to infringe the ’387 Patent, ’975 Patent,  
28 and ’207 Patent despite this knowledge. (*Id.* ¶¶ 33, 41, 70.) Thus, the November

1 Letter plausibly put Feit on notice of the alleged infringement as early as six months  
2 before Seoul Viosys filed the Complaint. The allegations, taken as true, raise a  
3 plausible inference that Feit, at a minimum, acted with subjective willfulness by  
4 continuing the conduct that it knew or should have known risked infringement of the  
5 '387 Patent, the '975 Patent, and the '207 Patent.

6 Seoul Viosys fails to adequately plead Feit willfully infringed the '602 Patent  
7 and '871 Patent. The May Letter identified that Feit's PAR38/RGBW/CA/AG(C)  
8 product infringed the '602 Patent and EcoSmart A19605CCTCA/WFIL/ECP infringed  
9 the '871 Patent. (*Id.* ¶ 16.) Relying on the May Letter, Seoul Viosys alleges Feit's  
10 continued infringement of the '602 Patent and '871 Patent is willful. (*Id.* ¶¶ 23, 50.)  
11 Feit argues the May Letter, sent eight days before Seoul Viosys filed this case, failed  
12 to give reasonable time for Feit to investigate the alleged infringement and thus does  
13 not support willful infringement. (Mot. 15.) In light of the allegations here, the Court  
14 agrees. "[R]easonable time must be allowed for the alleged infringer to evaluate the  
15 letter and to react." *Sonos*, 591 F. Supp. 3d at 644. Without facts other than the  
16 continued infringement itself, the short notice period here diminishes the likelihood of  
17 willfulness. *See Sonos*, 591 F. Supp. 3d at 644 ("The shorter the timespan allowed  
18 before suit, the less it can be said the patent owner had a 'good faith basis for alleging  
19 willful infringement.'"); *see e.g. DMF, Inc. v. AMP Plus, Inc.*, No. 2:18-cv-07090-  
20 CAS (GJSx), 2024 WL 1796396, at \*18 (C.D. Cal. Apr. 25, 2024) (noting allegations  
21 that defendant "would not even attempt to analyze the validity or infringement" of the  
22 asserted patent during the short notice period may support a finding of willfulness).  
23 The allegations are thus insufficient to make a plausible inference that Feit acted with  
24 intent to infringe the '602 Patent and '871 Patent.

25 Accordingly, Seoul Viosys adequately pleads its willful infringement claims  
26 with respect to the '387 Patent, '975 Patent, and '207 Patent, but fails to adequately  
27 plead Feit's knowledge of the '314 Patent and intent to infringe the '602 Patent and  
28 '871 Patent.



1 **V. CONCLUSION**

2 For the reasons discussed above, the Court **GRANTS IN PART AND**  
3 **DENIES IN PART** Feit's Motion to Dismiss, (ECF No. 27). Accordingly, the Court  
4 **DISMISSES WITHOUT PREJUDICE** Seoul Viosys's willful infringement claims  
5 as to the '314 Patent, '602 Patent, and '871 Patent **WITH LEAVE TO AMEND**.

6 If Seoul Viosys chooses to amend, the First Amended Complaint is due no later  
7 than **twenty-one (21) days** from the date of this Order, in which case Feit shall answer  
8 or otherwise respond within **fourteen (14) days** of the filing. If Seoul Viosys does  
9 not timely amend, this dismissal shall be deemed a dismissal with prejudice as to the  
10 willful infringement claims related to the '314 Patent, '602 Patent, and '871 Patent.

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12 **IT IS SO ORDERED.**

13  
14 December 30, 2024

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18 **OTIS D. WRIGHT, II**  
19 **UNITED STATES DISTRICT JUDGE**  
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